



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RL/FP/02		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IT 02/00251		International filing date (<i>day/month/year</i>) 19.04.2002	Priority date (<i>day/month/year</i>) 26.03.2002
International Patent Classification (IPC) or both national classification and IPC A47G21/16			
Applicant EFFEPI SRL ET AL.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 23.06.2003		Date of completion of this report 30.07.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Beugeling, G.L.H. Telephone No. +31 70 340-3284 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IT 02/00251**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-9, 11, 12 filed with telefax on 21.04.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☒ the claims, Nos.: 10
☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9,11,12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-9,11,12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-9,11,12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item I

Basis of the report

- 1) The amendments filed with the fax dated 21.04.2004 introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 34(2)(b) PCT.

In claim 1 the applicant has replaced the feature " "C" shape" by the feature "hollow shape" for which there is no basis in the application as filed.

In claim 1 the feature "upper and lower sides moulded to fit" has been omitted for which there is no basis in the application as filed.

In claim 1 the applicant has added the feature "made of a flat surface" for which there is no basis in the application as filed.

In claim 1 the applicant has added the feature "two projections, the upper one and the lower one, which block a mobile element that is inserted inside the fixed element". However, there is only basis in the application as filed for two blunt points (10) at the end of the projections (7) directed towards the inside of the "C" shape which block a mobile element.

Likewise, in claim 1 is claimed that the upper and lower sides of the mobile element are "blocked by the projections (7)", while there is only basis in the application as filed for two notches (8) on the upper and lower side of the mobile element which block the mobile element.

- 2) Hence, this report has been established as if in claim 1 the above blocking aspect was properly claimed, thus as if claim 1 reads (the terminology has also been slightly adapted for consistency):

- "1) System for fixing a cloth and decorative elements, such as draperies and similar, to a table, characterised in that it comprises:
- a fixed element (1), having in cross-section a rectangular "C" shape, the back part of the "C" being shaped to follow the external edge of the table to which said back part is to be fixed and the front part of the "C" consisting of one upper and one lower projection (7), which projections (7) comprise two blunt points (10, 11) directed towards each other,
 - a mobile element (2) that has a rectangular cross-sectional shape and upper and lower sides moulded to fit into the fixed element (1) when the cloth is inserted inside the fixed element (1) and that has on the upper and lower sides two notches (8) that correspond to the two blunt points (10, 11) to

- block the mobile element (2) when it is inserted inside the fixed element (1), means to possibly fix the decorative elements, such as draperies, to the sides of the table, comprising a Velcro strip (5) on the external surface of the mobile element (2) over which the upper border of the decorative elements are to be fixed."

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1) Reference is made to the following document:

D1: NL 1004932 C.

- 2) D1, which is considered to represent the most relevant state of the art, discloses, see in particular figure 7, a system for fixing a cloth and decorative elements, such as draperies and similar, to a table, which comprises (using the terms of claim 1 of Item I (2) above but referring to D1):
- a fixed element (20), having in cross-section a "C" shape, the back part of the "C" being shaped to follow the external edge (3) of the table (2) to which said back part is to be fixed and the front part of the "C" consisting of one upper and one lower projection, which projections comprise two blunt points (31) directed towards each other,
 - a mobile element (21) that has upper and lower sides moulded to fit into the fixed element (20) when the cloth (7) is inserted inside the fixed element (20) and that has on the upper and lower sides two notches (27) that correspond to the two blunt points (31) to block the mobile element (21) when it is inserted inside the fixed element (20),
 - means (26) to possibly fix the decorative elements, such as draperies, to the sides of the table, comprising a Velcro strip (26) on the external surface (25) of the mobile element (21) over which the upper border of the decorative elements (5) are to be fixed.

The subject-matter of claim 1 differs from this known system in that "C" shaped cross-section of the fixed element (20) is rectangular and in that the mobile element has a rectangular cross-sectional shape.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problems to be solved by the differences may therefore be regarded as the selection of an alternative shape for the "C" shaped cross-section of the fixed element, respectively the selection of an alternative cross-sectional shape for the mobile element.

The solutions proposed in claim 1 of the present application are considered as involving an inventive step (Article 33(3) PCT) because rectangular shapes are neither known from nor rendered obvious by the available prior art. In the prior art tubular shapes are applied to facilitate insertion of a mobile element into a fixed element when a cloth lies in "C" shape against a tubular (extension of the) mobile element.

Claims 2 to 9, 11, 12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
